

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**GLENN KASPER**

**PLAINTIFF**

**v.**

**CIVIL ACTION NO. 3:15cv613-WHB-JCG**

**THE BOARD OF SUPERVISORS OF  
LAUDERDALE COUNTY, MS et al.**

**DEFENDANTS**

**MOTION FOR SUMMARY JUDGMENT**

COME NOW Defendants, Jacob Mathis, Andy Matuszewski, Ruston Russell, William Sollie, Wesley Stephens, and Dylan Anderson, in their individual capacities, (collectively “Defendants”), and file this their Motion for Summary Judgment, and in support thereof, respectfully show unto the Court as follows:

1. In his Amended Complaint (ECF No. 11), Plaintiff Kasper asserts 12 claims: (I) a general claim of violation pursuant to 42 U.S.C. § 1983 and § 1988, (ii) unconstitutional prior restraint pursuant to 42 U.S.C. § 1983 and 1988, (iii) false arrest pursuant to 42 U.S.C. § 1983, (iv) wrongful detention and confinement pursuant to 42 U.S.C. § 1983, (v) a violation pursuant to 42 U.S.C. § 1983 arising out of strip search at the Lauderdale County Detention Facility, (vi) malicious prosecution, (vii) false arrest and false imprisonment, (viii) assault and battery, (ix) intentional infliction of emotional distress, (x) deprivation of property without due process pursuant to 42 U.S.C. § 1983, (xi) conversion, and (xii) failure of Lauderdale County to implement appropriate policies, customs and practices.

2. The Defendants filed their Answer denying all liability on January 20, 2016. See ECF No. 21.

3. In the Answer, the Defendants asserted affirmatively that they are entitled to dismissal based on, among other things, qualified immunity, the applicable statute of limitations, and various provisions of the Mississippi Tort Claims Act. See ECF No. 21, Tenth, Eleventh, Nineteenth, Twenty-Sixth, Twenty-Eighth Twenty-Ninth, Thirty-Second, Thirty-Third Defenses at 2-3, 11, 12, 13.

4. In the Answer, the Defendants also asserted affirmatively that the Plaintiff's claims constitute an impermissible collateral attack on his 2015 convictions, including for disorderly conduct, stemming from his encounter with law enforcement officers on May 24, 2014 and are therefore barred pursuant to Heck v. Humphrey, 512 U.S. 477, 114 S. Ct. 2364, 129 L.Ed. 2d 383 (1994). See ECF No. 21, Thirty-Fourth Defenses at 13.

5. The Defendants now move for summary judgment based upon qualified immunity, statute of limitations, the Mississippi Tort Claims Act and Heck v. Humphrey, 512 U.S. 477. In addition, the Defendants are entitled to summary judgment for the reasons set forth in their Memorandum Brief in support of this motion, incorporated herein by reference.

6. In support of their motion for summary judgment, the Defendants rely on the following exhibits:

Exhibit "A": Affidavit of Sheriff William D. Sollie, which includes the following exhibits:

Exhibit "1": Lauderdale County Sheriff's Department Policy No. 4.03 entitled "Roadside Safety Checkpoints";

Exhibit "2": May 24, 2014 Authorization for Roadside Safety Checkpoint;

Exhibit "3": May 24, 2014 Report of Roadside Safety Checkpoint;

Exhibit "4": Lauderdale County Sheriff's Department Incident Report dated

May 25, 2014 relative to arrest of Glenn Dell Kasper on Allen Swamp/Pine Springs Road; and

Exhibit "5": Arrest Record dated May 24, 2014 (1949 hours) relative to arrest of Glenn Dell Kasper on Allen Swamp Road.

WHEREFORE, PREMISES CONSIDERED, the Defendants respectfully submit that they are entitled to judgment as a matter of law as to the entirety of the Plaintiff's claims. The Defendants request such other and further relief as the Court may deem just and proper under the circumstances.

This the 8th day of August, 2016.

Respectfully submitted,

**SHERIFF WILLIAM SOLLIE, WESLEY STEVENS,  
RUSTON RUSSELL, JACOB MATHIS, ANDY  
MATUSZEWSKI AND DYLAN ANDERSON,  
Defendants**

BY: /s/ Lee Thaggard  
LEE THAGGARD (MSB #9442)  
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Attorney for Defendants

**CERTIFICATE OF SERVICE**

I, the undersigned attorney, do hereby certify that on this date I electronically filed the foregoing with the Clerk of the Court using the ECF system, which provided notice of such filing to:

Joseph A. Denson  
Denson & Associates, PLLC  
1004 20<sup>th</sup> Avenue  
Meridian, Mississippi 39302

and I hereby certify that I have mailed by United States Postal Service the document to the following non-ECF participants: None.

THIS the 8th day of August, 2016.

/s/Lee Thaggard  
LEE THAGGARD